

Cover Sheet for:

Site Plan 8-02014

Planning Board Opinion



MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: June 17, 2002

SITE PLAN REVIEW #: 8-02014

PROJECT NAME: Clarksburg Town Center Phase II

Action on Final Water Quality Plan: Approval subject to conditions. Motion was made by Commissioner Bryant and seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Bryant, Robinson, Perdue and Wellington voting for. Commissioner Holmes was necessarily absent.

Action on Site Plan #8-02014: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Holmes, Bryant, Robinson, Perdue and Wellington voting for. Commissioner Holmes was necessarily absent.

The date of this written opinion is June 17, 2002, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before July 17, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed this Site Plan shall remain valid for as long as Preliminary Plan #1-95042 is valid, as provided in Section 59-D-3.8

On May 9, 2002, Site Plan Review #8-02014 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

The Site Plan is consistent with approved Project Plan #9-94004 for the optional method of development;

- 1. The Site Plan meets all of the requirement of the RMX-2 zone, and is consistent with an urban renewal plan approved under Chapter 56;*
- 2. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
- 3. Each structure an use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
- 4. The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*
- 5. The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection.*

Therefore, the Montgomery County Planning Board **APPROVES** the Final Water Quality Plan for Site Plan # 8-02014 subject to the following conditions:

1. Conformance to the conditions as stated in the May 9, 2002 Department of Permitting Services letter approving the Final Water Quality Plan, attached.

Therefore, the Montgomery County Planning Board **APPROVES** Site Plan #8-02014, which consists of 487 dwelling units (153 SFD, 202 TH's and 132 multifamily units) inclusive of 46 MPDU's on 77.61 acres subject to the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A
2. Park and School Site
 - A. Per the MCPS Memo of May 2, 2002, attached, the applicant shall provide adequate engineered fill and retaining walls if necessary, for the site and will rough grade the remainder of the school site to allow for school construction at a reasonable cost. Storm water management facilities shall accommodate the MCPS site and shall be located off the MCPS /park site. The forest conservation plan for the MCPS school site is provided for elsewhere within the Clarksburg subdivision.

Within 90 days after the date of the planning board's opinion, the applicant shall provide MCPS with a proposed grading plan for the school site to allow for school construction. Where appropriate, the grading plan may incorporate changes in elevation to accommodate a two-story walkout school building.

MCPS shall have 90 days to review the proposed grading plan and provide comments to the applicant. The final grading plan shall be reviewed by planning board staff and approved prior to completion of the signature set. The signature

set may include 2 phases – one phase will include the entirety of the Park/School Site and the adjacent road and the confronting units. The second phase shall include the remainder of the units in Phase II. The Applicant, MCPS and Planning Board staff shall work to resolve any remaining site grading issues. The matter can be brought back to the Planning Board for discussion if there are any unresolved issues.

(a) Alternatively, if this cannot be done, MCPS will consider another site within the subdivision pending revision of the applicable Preliminary and Project Plans. (Memo attached)

(b) M-NCPPC Parks Department shall review and approve all final path locations in the site. Any path that may serve, as a substitute for a public sidewalk shall be reviewed by DPWT.

B. Regarding the ball fields, the plan shall be consistent with condition # 6 of Preliminary Plan 1- 95042 as follows:

Dedication of the proposed park/school, as shown on the Applicant's revised preliminary plan drawing, is to be made to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:

(a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the Preliminary Plan staff report, attached, will occur prior to the execution of the Site Plan Enforcement Agreement.

(b) Dedication of the approximately 8 acre area, identified as area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.

(c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.

(i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.

- (ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball field. In addition, if at Site Plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at Site Plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the Site Plan application.
- (d) Applicant shall acknowledge that there is sufficient earth material on site to construct both fields and agrees to construct the two fields upon commencement of construction of Street "F" referenced in the Preliminary Plan approval, or prior to construction of the proposed elementary school, whichever occurs first.
- (i) The exact location and orientation of the fields to be coordinated with M-NCPPC staff.
 - (ii) The softball field to be full sized with foul lines of 290'.
 - (iii) The soccer field to be full adult size with dimensions of 360' by 220'.
- (e) Final details regarding the Park/School site shall be reviewed by staff and shall reflect the direction of the approved Preliminary Plan # 1-95042 and shall include input from the Parks Department, MCPS and the Applicant for the final design of the ball field and path layout, the metes and bounds survey of dedication prior to recordation, grading, access, storm water management facilities and any other issues as required.
- (f) There shall be no disturbance (or activity to cause them to be unusable) of the existing fields within Kings Local Park until the new fields are constructed. (Note: The applicant acknowledges there is sufficient earthwork to build both ball fields and will do so.)

(g) Applicant to construct paved hiker/biker trails in the following locations:

- i. Along the east side of Overlook Park Drive from Stringtown Road to Clarksburg Road (Route 121). Per Phase I approval. This trail will be aligned to meet the Clarksburg Greenway Trail from the south side of Stringtown Road.
- ii. From the Clarksburg Greenway Trail along Overlook Park Drive to the Kings Local Park pond trails (two connections to the pond trail) -per Phase I approval.
- iii. Along the south side of Clarksburg Road from the pond area trails to the intersection with Piedmont – per Phase I approval.
- iv. Along the south side of Piedmont from Clarksburg Road to Street “F”- per phase one approval.
- v. Along the west side of Street “F” from Piedmont to Main Street and continuing along Main Street to the Greenway Trail along Overlook Park Drive – within the right-of way per DPWT standards.
- vi. Trails are to be constructed to park standards when outside of right-of-way. Exact trail alignments to be coordinated with M-NCPPC and DPWT staff, and should be appropriately located and landscaped to maintain a park like setting while also fulfilling the need for safe, off road transportation in the area.

3. Piedmont Road

- A. The applicant shall pursue the abandonment of the prescriptive right-of-way of Piedmont Road and Burnt Hill Road with Montgomery County prior to recordation of plats for these areas.
- B. The applicant shall not record plats for the units located within the existing prescriptive right-of-way until the county council grants approval of the abandonment request.
- D. The Piedmont Road Abandonment Exhibit, identifying the affected lots, is attached.

4. MPDU's

In order to maintain an equitable balance of MPDU's, all units within Blocks EE and GG of Phase I Site Plan 8-98014 as shown in MPDU exhibit dated May 2, 2002 (attached) will not be constructed until the Planning Board approves a revision of those blocks (proposed to be resubmitted for approval).

5. Waivers Requested And Previously Approved:

- A. Waiver of lots fronting on a public right-of-way Section 50-29-(A)(2) –(Staff recommends approval due to interconnecting grid of streets and it's limited use).
- B. Waiver of closed section streets has been approved with the Project Plan.

6. Environment

- A. Record plats to reflect delineation of a Category I Conservation easement that includes the stream/wetland buffers and forest conservation areas, as shown on the site plan, that are not part of the park dedication area.
- B. Final erosion and sediment control plans shall be submitted to Environmental Planning staff for review and comment prior to approval by MCDPS.
- C. The Final Forest Conservation Plan must be approved and bonded prior to issuance of the sediment and erosion control permit.
- D. The outfall from Pond #3, and any other stormwater management facility or storm drain outfalls which extend into the environmental buffer, shall be field located by applicant's representative, MCDPS, and MNCPPC Environmental Planning staff prior to approval of the stormwater management/sediment control permits by MCDPS.
- E. MNCPPC Environmental Planning staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these facilities.

7. Lighting And Landscape Plan

Street trees species and spacing to reflect the draft Clarksburg Streetscape Study and the proposed lighting plan.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Streets tree planting must progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 6) Coordination of each section of the development and roads.
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - b. Site Plan Enforcement Agreement to reference applicable road construction phasing and park/school agreements.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Undisturbed stream buffers at least 150 to 240 feet wide as shown on the site plan.
 - b. Limits of disturbance.
 - c. Methods and locations of tree protection.
 - d. Forest Conservation areas.
 - e. Location of stormwater facility and storm drain outfalls away from forest preservation or other environmentally sensitive areas.
 - f. Conditions of DPS Final Water Quality and Stormwater Management Concept approval letter dated May 9, 2002 and DPS memo of May 2, 2002.
 - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - h. The development program inspection schedule.
 - i. Category I conservation easement and park dedication boundary.

- j. Streets trees, as shown, all public streets.
 - k. Centralized, screened trash areas for all multi-family and one-family attached units except townhouses.
 - l. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of homes with side yards facing A-305.
-
- 3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 - 4. No clearing or grading prior to M-NCPPC approval of signature set of plans except to allow rough grading as previously approved with the Preliminary Plan.

G:\SP_OPINION\8-02014.doc